

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

RAFAEL O. DE LEÓN DÍAZ
XXX-XX-4082
WANDA I. FERNÁNDEZ ALEJANDRO
XXX-XX-0123

DEBTOR(S)

CASE NO.: 10-04342 (ESL)

CHAPTER 13

**REPLY TO MOTION SUBMITTING EVIDENCE OF BEING CURRENT WITH
FIRSTBANK**

TO THE HONORABLE COURT:

COMES NOW creditor **FIRSTBANK PUERTO RICO**, represented by the undersigned attorney and very respectfully states and prays:

1. On July 12th, 2010, FBPR filed a Motion Requesting Dismissal based on debtors' failure to keep current the post-petition installments owed on its secured claims.
2. After requesting an extension of time to deliver evidence of payments, on August 5th, 2010, debtors filed a Motion Submitting Evidence of Being Current with FirstBank, whereby they attached copy of several receipts of post-petition payments made on loan number 0003. (See, docket entry number 26). Regrettably, it seems they are confused.

3. As per claim number 7-1, FBPR has a secured claim, securing two (2) commercial loans, to wit: loan number 2292-3 and 2292-2. The Addendum to said claim details both loans. The pre-

Reply to Motion ...
Case No. 10-04342 ESL
Page No. 2

petition arrears reflected in said claim corresponds to loan 2292-2.

4. The receipts they attached to their motion reflect payments on loan identified as "0003", which corresponds to loan number 2292-3. They are current on this loan.

5. However, that is not the case regarding loan number 2292-2. They have made two payments for the installments of May and June, 2010. The last payment on this loan was made on July 9th, 2010, in the sum of \$2,742.32 and corresponding to the installment of June, 2010. They have outstanding the installments for the months of July and August, 2010, for a total sum of \$5,484.64.

6. Debtors have failed to deliver evidence in support of their alleged valid affirmative defense of being current in the post-petition installments to FBPR. The evidence they have presented is not controverted by FBPR because does not correspond to FBPR's allegations. Therefore, it is respectfully requested from this Honorable Court to enter an Order dismissing the instant case.

WHEREFORE, it is respectfully requested from this Honorable Court to grant this Motion and to enter an Order dismissing the instant case.

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Reply to Motion ...
Case No. 10-04342 ESL
Page No. 3

System which will send notification of such filing to the following: Attorney for Debtors, José M. Prieto Carballo, Esq; and to Chapter 13 Trustee, José Ramón Carrión Morales, Esq., and by ordinary mail to debtor and to all creditors and parties in interest appearing in the attached Master Address List.

In San Juan, Puerto Rico, this 5th day of August, 2010.


s/ Angel M. Vázquez Bauzá
Angel M Vázquez Bauzá, Esq.
Bar Number: 203308
ENR & Associates
PO Box 191017
San Juan, PR 00917-1017
Tel. 754-1313
Fax. 754-1354
e-mail: avazquez@enrassociates.com

Label Matrix for local noticing

0104-3

Case 10-04342-ESL13

District of Puerto Rico

Old San Juan

Fri Aug 6 08:20:42 AST 2010

RECOVERY MANAGEMENT SYSTEMS CORP

RAMESH SINGH

25 SE 2ND AVE STE 1120

MIAMI, FL 33131-1605

RG PREMIER BANK OF PR

ISMAEL H HERRERO III ESQ

PO BOX 362159

SAN JUAN, PR 00936-2159

BPPR

P O BOX 366818

SAN JUAN, PR 00936-6818

COOPERATIVA A/C CUPEY ALTO

RR 6 BOX 11100

SAN JUAN, PR 00926

CRIM

P.O. Box 195387

SAN JUAN, PR 00919-5387

DEPT DE LA VIVIENDA

P O BOX 21365

RIO PIEDRAS, PR 00928-1365

DEPT DE LA VIVIENDA MUNICIPAL

P O BOX 1869

TRUJILLO ALTO, PR 00977-1869

FIA Card Services aka Bank of America

c/o Becket and Lee LLP

POB 3001

Malvern PA 19355-0701

PEP BOYS

GE MONEY BANK

P O BOX 960061

ORLANDO, FL 32896-0061

PUERTO RICO ELECTRIC POWER

BANKRUPTCY CLAIMS OFFICE

PO BOX 364267

SAN JUAN PR 00936-4267

RG PREMIER BANK

P O BOX 2510

GUAYNABO, PR 00970-2510

SANTANDER DE PR

P O BOX 362589

SAN JUAN, PR 00936-2589

SCOTIABANK

P O BOX 362230

SAN JUAN, PR 00936-2230

TCPR - Toyota Credit de Puerto Rico

P.O. Box 366251

San Juan, Puerto Rico 00936-6251

JOSE RAMON CARRION MORALES

PO BOX 9023884

SAN JUAN, PR 00902-3884

MONSITA LECAROZ ARRIBAS

OFFICE OF THE US TRUSTEE (UST)

OCHOA BUILDING

500 TANCA STREET SUITE 301

SAN JUAN, PR 00901-1938

RAFAEL O DE LEON DIAZ

RR36 BOX 8195

SAN JUAN, PR 00926-9561

WANDA I FERNANDEZ ALEJANDRO

RR36 BOX 8195

SAN JUAN, PR 00926-9561

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.